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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

AMERICAN MEIZHOU DONGPO  
HOLDING, INC., et al.,

Plaintiffs and Appellants,

v.

TONY OLIVAS-DEAN et al.,

Defendants and Respondents.

B285018

(Los Angeles County  
Super. Ct. No. BC619120)

APPEAL from an order of the Superior Court of Los Angeles County. Frederick C. Shaller, Judge. Affirmed.

WHGC, Michael G. York, for Plaintiffs and Appellants.

Lyon Law, Geoffrey C. Lyon and Stephen Young, for Defendants and Respondents.

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Plaintiffs American Meizhou Dongpo Holding, Inc. and American Meizhou Dongpo Management, Inc. challenge an attorney's fees award of \$34,733.50 to defendants Tony Olivas-Dean, Lyon Law PC, and Geoffrey C. Lyon, as part of a judgment granting defendants' anti-SLAPP motion to strike and dismissing plaintiffs' claims. (Code Civ. Proc., § 425.16, subd. (c)(1).) Plaintiffs argue the amount of the award improperly included work performed on a demurrer and a regular motion to strike unrelated to the anti-SLAPP motion. (See *Lafayette Morehouse, Inc. v. Chronicle Publishing Co.* (1995) 39 Cal.App.4th 1379, 1382 [defendant prevailing on anti-SLAPP motion entitled to fees only for motion, not for entire action].)

Plaintiffs forfeited this issue by failing to raise it in the trial court. (*Greenwich S.F., LLC v. Wong* (2010) 190 Cal.App.4th 739, 767.) Although plaintiffs concede they have raised the issue for the first time on appeal, they argue we may consider it as a pure question of law based on undisputed facts. (*Ibid.*) However, to resolve the appeal on the merits we would have to address the *factual* issues of whether the work done on the demurrer and regular motion to strike was unrelated to the anti-SLAPP motion, and, if so, what portion of the fee award covered that work. Those questions should have been addressed to the trial court in the first instance. (See *569 E. County Boulevard LLC v. Backcountry Against the Dump, Inc.* (2016) 6 Cal.App.5th 426, 435 [calculating “‘lodestar’” is discretionary with trial court and involves “calculating the number of hours reasonably expended on the anti-SLAPP motion . . . and excluding hours spent on non-SLAPP tasks or tasks that were inefficient or duplicative, and then multiplying those hours by the reasonable hourly rate prevailing in the community for similar work”].) Plaintiffs'

failure to do so forfeited the issue on appeal. (*Children’s Hospital & Medical Center v. Bontá* (2002) 97 Cal.App.4th 740, 776–777.)

**DISPOSITION**

The order is affirmed. Respondents are awarded costs on appeal.

ADAMS, J. \*

We concur:

STRATTON, Acting P. J.

WILEY, J.

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.